

## **DEVELOPMENT CONTROL COMMITTEE**

Minutes of the meeting held at 7.30 pm on Thursday 5 October 2023

### **Present:**

Councillor Alexa Michael (Chairman)  
Councillors Mark Brock, Peter Dean, Simon Fawthrop,  
Kira Gabbert, Colin Hitchins, Alisa Igoe, Charles Joel,  
Kevin Kennedy-Brooks, Josh King, Tony McPartlan, Tony Owen,  
Chloe-Jane Ross, Will Rowlands, Shaun Slator, Alison Stammers  
and Melanie Stevens

### **Also Present:**

Councillors Yvonne Bear, Julie Ireland and Christopher Marlow

### **17 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**

Apologies for absence were received from Councillors Jonathan Andrews and Christine Harris and Councillors Kira Gabbert and Mark Brock attended as their respective substitutes. Apologies for absence were also received from Councillor Keith Onslow.

### **18 DECLARATIONS OF INTEREST**

There were no additional declarations of interest.

### **19 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING**

One oral and one written question were received from members of the public and are attached at Appendix A.

### **20 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 18 JULY 2023**

**RESOLVED:** That the minutes of the meeting held on 18 July 2023 be agreed and signed as a correct record.

### **21 (23/00848/FULL1) - UNIT 2A FARNBOROUGH WAY, (FRANKIE & BENNY'S), FARNBOROUGH, ORPINGTON, BR6 7DH (FARNBOROUGH AND CROFTON WARD)**

Description of Application: Demolition of the existing buildings on the site and the construction of a food store (Use Class E), alongside the provision of a surface level car park, associated access and landscaping works.

The Planning Officer gave a brief presentation providing an overview of the application and update on the report.

Oral representations in support of the application were received from the applicant who gave the following responses to Members' questions:

- It was intended that the store would remain on-site for a minimum of 20-years with regular maintenance and refurbishment. Aldi had experience of building on sites with a range of challenges, including the removal of underground tanks, and a Construction Management Plan would limit the hours during which any disruptive or noisy construction works could be undertaken. Existing landscaping would be retained and improved with a mix of semi-mature and mature plants and trees and this amenity would be maintained throughout the life of the store.
- The most common mode of transport for supermarket users in the UK was private car followed by travel on foot. The number of customers travelling by bicycle was low and this was the same for public transport. It was anticipated that the Farnborough store would employ 10 full-time and 30 part-time members of staff from the local area with up to 12 staff on site during the busiest periods. Aldi offered permanent contracts to all its staff who would be encouraged to walk, cycle or take public transport to work. Car park usage would be monitored during the lifetime of the store's operation and a complaints procedure was in place should any issues arise from staff parking in local roads.
- The opening hours of the store would be 8.00am-10.00pm on Monday to Saturday and 10.00am-6.00pm on Sunday, although there would be some on-site operations outside of these hours which would primarily take place inside the store. While an assessment had determined that the light and noise impact of the store was acceptable, additional measures would be taken to mitigate any disruption, including a fence line with acoustic properties. Restrictions would also be placed on deliveries including controlling the times and number of deliveries to the site and using pedestrian marshals in place of reversing alarms. Councillor Colin Hitchins queried whether Saturday opening hours could be reduced in line with those of Sunday to reduce background noise, but this would not be feasible.
- While the transport assessment had indicated that there could be a waiting time of up to 150 seconds for cars waiting to right turn from the Aldi car park onto the A21, this was for the busiest 15-minute time segment modelled with shorter or no waiting times in other periods. Transport for London's preferred junction access option was Option 2, a single access entrance/egress point with a pedestrian/cyclist refuge located in the middle, but the applicant considered that Option 1, an all-movement junction, was sufficient bearing in mind the anticipated level of vehicle movement. The store would have an average of two main deliveries per day, the first of which would be prior to store opening, although there would also be smaller vehicles delivering milk or

collecting waste at times to be scheduled by Aldi's in-house logistics department.

Oral representations objecting to the application were received from a representative of the Farnborough Village Society who gave the following responses to Members' questions:

- Local residents had had no concerns with Frankie and Benny's restaurant on this site as the car park had not been heavily used. It was anticipated that the Aldi car park would be far busier and would be used continually throughout the day. A similar concern was not raised by the nearby Texaco petrol station as it had a wider access way onto the A21.

Councillor Christopher Marlow, visiting Ward Member, addressed the Committee noting that residents of Farnborough Village had chosen to live there for its peaceful environment. The proposed store would be overly dependent on car usage and would increase traffic congestion on the A21 and in the local area, particularly as there would be no direct pedestrian access from Farnborough Village to the store. The A21 was one of just three roads in the Borough that were part of the Transport for London Road Network and any proposal to increase congestion should be treated with extreme caution, both with regard to traffic levels and the deterioration of the road surface. Additionally, the junction amendment to permit right-turns from the car park on to the A21 could lead to drivers taking rash decisions that constituted an unacceptable impact on highway safety and the Member suggested the Committee consider making this an additional reason for refusal.

A Transport for London representative was present at the meeting and gave the following responses to Members' questions:

- The purpose of the independent road safety audit commissioned by the applicant was to identify any inherent safety issues with the proposed design of the junction, but this did not mean that there were no safety implications arising from the increased volume of traffic or relating to how drivers entered the flow of traffic from the site. Transport for London had not raised a formal objection to the proposed junction design as it was possible to mitigate certain highways risks such as by extending the 30mph zone on the A21. The possibility of placing traffic lights at the junction had been modelled but was considered to add an unacceptable level of delay.
- Public Transport Accessibility Levels (PTAL) were based on the number of bus, train, tube and other public transport options available within a walking catchment distance.

The Chairman invited Councillor and Ward Member Charles Joel to open the debate. Councillor Charles Joel stated that he objected to the application in line with the reasons outlined in the report and that he had particular concerns regarding the movement of traffic in and out of the car park. The A21 was a

very busy road, and existing congestion would be exacerbated by vehicles exiting the car park as well as by the installation of a tiger crossing near Tubbenden Lane. The location of a supermarket on such a busy road was also likely to increase overall traffic as shoppers from outside the local area would make use of the store.

Councillor Charles Joel moved that the planning application be refused as recommended, subject to a further reason for refusal on highway safety being agreed. The motion was seconded by Councillor Mark Brock.

Councillor Peter Dean argued that the low PTAL rating should not preclude the store from being located on this site as most supermarkets were served by car and this would be an important amenity for local residents. The store had been designed to minimise the visual and noise impact on surrounding properties, but there would be a need to ensure that the condition on deliveries was robust, particularly regarding delivery times. Councillor Shaun Slator similarly voiced support for the development, noting that it may reduce the number of car trips that local residents made to supermarkets in other parts of the Borough. Councillor Colin Hitchins observed that the design of the store may reduce existing noise pollution levels for residents but suggested that a further condition be agreed around air quality monitoring.

Councillor Simon Fawthrop stated that he was minded to support the planning application provided appropriate conditions were put in place. These comprised protecting visual amenity around slab levels and height limits; requiring delivery vehicles to make a right turn exiting the site to reduce traffic through Farnborough Village; and monitoring levels of PM2.5, Nitrous Oxide (NOx) and Ozone with air quality levels to be shared with the Breathe London Network. It was Councillor Fawthrop's view that the grounds for refusal listed in the report no longer applied or could be mitigated via conditions. The first ground of refusal relied heavily on Policy 31 of the Bromley Local Plan, but these were ameliorated in Part A through the application being sited in an accessible location and in Part E by being in close proximity to residential areas and by providing cycling facilities, while Parts B, C and D could be met with conditions. Similarly, the application could be viewed as acceptable under Policy T1 and T6.2 of the London Plan as these were advisory and there was more than sufficient time to meet the 2041 target of 20% of travel movements being undertaken via public transport. The second ground of refusal was in relation to the proposed development not being 'Air Quality Neutral' and therefore failing to meet the minimum requirement of the London Plan Policy S11. Councillor Fawthrop stated that the independent air quality report commissioned by the Mayor of London from Jacobs had confirmed that air quality in the London Borough of Bromley was already good which suggested this ground could be disregarded. In response, the Development Management Team Leader – Major Developments advised that S11 was an adopted policy, and the London Borough of Bromley was within an Air Quality Management Area for NOx.

Councillor Peter Dean moved that the planning application be approved, subject to appropriate planning conditions being agreed. The motion was seconded by Councillor Shaun Slator.

Councillor Kevin Kennedy-Brooks observed that there were strong arguments both in support and objection to the proposed development and suggested that consideration of the planning application be deferred to allow the applicant sufficient time to review the issues raised regarding proposed traffic movement in and out of the car park. This course of action was supported by Councillor Alisa Igoe and Councillor Tony Owen who also emphasised the need to ensure that the Committee's reasons for approving or rejecting the application were robust.

Councillor Kevin Kennedy-Brooks moved that the planning application be deferred. The motion was seconded by Councillor Tony Owen.

In summation, the Chairman stated that three valid motions had been proposed and seconded and these would be taken in the order in which they were put forward. The motion that permission be refused was put to the vote and FELL. The motion that permission be granted, subject to appropriate planning conditions being agreed was put to the vote and CARRIED.

The Officer's report identified considerations in the application that were found to be acceptable and those for which the assessment was unfavourable. The Officer's report had found the scheme to be inconsistent with the overarching strategy of promoting sustainable transport and minimising gas emissions and that the Air Quality Neutral LPG had been incorrectly applied and should be refused for those reasons. Members nevertheless concluded that the application could be permitted for THE FOLLOWING REASONS. The report found the scheme to be acceptable in terms of design, impact on residential amenity, noise, contaminated land, lighting, trees and urban greening, biodiversity and energy and sustainability. Members were impressed by the benefits of the scheme in terms of the provision of a new food store which would be an important amenity for residents and also generate employment opportunities. They considered that the location was accessible with most supermarkets served primarily by car. Members concluded that more weight could be given to the favourable considerations identified in the report than by Officers and that approval could therefore be granted. The third ground of refusal suggested by Officers referred to the lack of an acceptable planning obligation dealing with various matters, but this could be negotiated prior to the issue of a planning permission given the decision by Members on the other two grounds of refusal.

**RESOLVED: That PERMISSION BE GRANTED subject to a legal agreement and conditions on deliveries and delivery times, air quality monitoring, visual amenity, slab levels and roof heights, provision of electric vehicle charging points and rainwater harvesting and that authority be delegated to the Assistant Director: Planning to decide whether the prior completion of a legal agreement and any other conditions should be imposed.**

**22 (23/01547/FULL1) - CAR PARK, STATION ROAD, BROMLEY  
(BROMLEY TOWN WARD)**

Description of Application: Demolition of a garage and associated buildings including a substation at No. 2 Station Road, redevelopment of the Bromley North Station Road car park to provide 75 residential units with 261sq.m(GIA) commercial floor space (Use Class Order Class E), provision of disabled parking spaces with electric vehicle charging points, cycle parking, a landscaped outdoor space and associated works.

The Planning Officer gave a brief presentation providing an overview of the application and update on the report. Members were advised that the affordable housing provision would all be social rental units as the development was subject to funding from the Greater London Authority. The proposal would also provide attractive affordable housing for households on low incomes.

Oral representations in support of the application were received from the architect who gave the following responses to Members' questions:

- Should the Committee approve the planning application, it was anticipated that initial works would commence on site in March 2024 prior to the commencement of the main works in May 2024 for an approximate 18-month construction period.
- A total of eight wheelchair units were proposed and would be serviced by three disabled parking spaces with capacity for four additional disabled car parking spaces if required. No standard car spaces were planned in line with the London Plan requirements, and residents would be notified of this prior to taking up residence. Residents would also not qualify for parking permits for the surrounding streets as these were fully subscribed. Councillor Shaun Slator suggested that the seven disabled parking spaces that could be accommodated on site be included in the development from the start.
- The proposed design for the development included balcony provision for some of the residential units and these were within the site footprint and did not overhang the public footpath.

Oral representations supporting the application were received from Councillor Julie Ireland, Ward Member who confirmed that all Bromley Town Ward Members supported the development but suggested it could be useful to undertake a review of parking in the local area, particularly in light of the recent closure of the Hill Car Park.

In opening the discussion, Councillor Kevin Kennedy-Brooks observed that Bromley Mencap was located near to the site. It would be important to ensure that the Construction Management Plan took account of vulnerable service users in close proximity to the works. Councillor Kira Gabbert added that the

operational needs of Northside House Cataract Clinic should also be considered and that a nearby car park could be used to manage parking demand during the construction period.

With regard to the car-free development, Councillor Charles Joel highlighted that some residents would have private and commercial vehicles and that this was likely to add to parking pressure in the surrounding area. Councillor Simon Fawthrop was similarly concerned about the lack of parking provision and stated that the application should be refused on this basis.

Councillor Simon Fawthrop moved that the planning application be refused. The motion was not seconded and FELL.

Councillor Tony McPartlan spoke in support of the development and asked that his thanks be conveyed to the Regeneration Team for their excellent work in providing much-needed homes for Bromley residents.

Councillor Tony Owen moved that the planning application be approved as recommended. The motion was seconded by Councillor Tony McPartlan, put to the vote and CARRIED.

**RESOLVED: That PERMISSION BE GRANTED subject to legal agreement and conditions as recommended for the reasons set out in the report of the Assistant Director: Planning.**

*Councillor Simon Fawthrop requested that his vote in objection to the application be recorded.*

**23 ADOPTION OF THE BROMLEY TOWN CENTRE SUPPLEMENTARY PLANNING DOCUMENT  
Report HPR2023/053**

The report proposed the adoption of the Bromley Town Centre Supplementary Planning Document which provided guidance to assist with the determination of planning applications in the Bromley Town Centre area, including on design requirements. The final draft SPD included a number of amendments made as a result of a public consultation undertaken between 28 October 2022 to 27 January 2023. This report had also been considered by the Renewal, Recreation and Housing Committee at its meeting on 6 September 2023 and would be considered for approval by the Council's Executive at its meeting on 18 October 2023.

The Chairman invited Councillor Julie Ireland, visiting Ward Member for Bromley Town to open the discussion. Councillor Julie Ireland advised that it had recently come to light that the response of the Bromley Town Ward Councillors to the consultation draft had not been received by the Local Authority due to technical issues. The Committee agreed that these comments be provided to the meeting of the Council's Executive on 18 October 2023 as an addendum to the final draft Bromley Town Centre Supplementary Planning Document which was being presented for approval.

The Committee went on to discuss the Bromley Town Centre Supplementary Planning Document. The Chairman moved that the following changes be recommended for approval by the Council's Executive, and this was put to the vote and CARRIED UNANIMOUSLY:

- Paragraph 5.25: Change to 'Kentish Way causes various severance issues, especially in terms of facilitating east-west movement to the **current** Civic Centre site'.
- Paragraph 5.26: Change to 'This could help to address accessibility issues in the south of the town centre, particularly from/towards Masons Hill and Bromley Common (which is the busiest junction in the borough). **These improvements could be particularly important given the development proposals coming forward in this area as well as the new Civic Centre site which is due to fully open in 2024**'.
- SPD Guidance Note 12: Change to 'Development proposals should link with existing pedestrian and cycling key routes, and should seek to improve these routes or ~~create~~ **investigate** new routes where appropriate'.

**RESOLVED: That the Council's Executive be recommended to:**

- **Adopt the Bromley Town Centre Supplementary Planning Document as a local development document, subject to the proposed above amendments and any further minor changes (e.g. – related to formatting or mapping) prior to adoption; and,**
- **Authorise officers to write to the Secretary of State for Levelling Up, Housing and Communities to request that the Bromley Town Centre Area Action Plan is revoked, as per the provisions of section 25 of the Planning and Compulsory Purchase Act 2004.**

#### **24 PLANNING ENFORCEMENT PROGRESS AND MONITORING REPORT APRIL 2022 TO MARCH 2023 Report HPR2023/055**

The report provided an update on the progress of current enforcement cases and had also been considered by the Renewal, Recreation and Housing Committee at its meeting on 6 September 2023.

In response to a question, the Assistant Director: Planning explained that enforcement matters marked as 'notice pending' indicated that a notice had been authorised in relation to an enforcement matter but had not yet been served. The length of time between a notice being authorised and served varied depending on the complexity of the case, the reasons for enforcement and other factors such as appeals. The Chairman queried the frequency with which Direct Action was taken by the Local Authority and this information would be provided to Members following the meeting. A Member observed that a number of ongoing enforcement cases were marked as located in wards



that no longer existed following a recent boundary change and was advised that this would resolve itself over time. The Member further requested that the date of the original complaint be included in future reporting, and this was supported by the Committee. Another Member suggested that the Chairman and the Leader write to the relevant Government minister to ask that Gareth Bacon M.P.'s Unauthorised Development (Offences) Private Members' Bill which would have made unauthorised development without planning permission a criminal offence be reconsidered as a means of assisting the enforcement process.

A Member asked that his thanks be conveyed to the Tree Team for their excellent response in relation to a recent enforcement case on the felling of protected trees.

**RESOLVED: that the report be noted.**

## **25 HPR PLANNING KPIS**

The Committee considered the performance of the Planning Service against various Key Performance Indicators as at June 2023.

**RESOLVED: that the update be noted.**

The Meeting ended at 9.56 pm

Chairman